IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 20TH APRIL 2007 / 30TH CHAITHRA 1929

WP(C).No. 13589 of 2007(P)

PETITIONER:

K.C.THOMAS & CO (HOTEL SEA GATE),
PATHADIPPALAM, ALUVA, REPRESENTED BY ITS
MANAGING PARTNER, JOSE KURIAN.

BY ADV. SRI.R.MURALIDHARAN (AROOR)

RESPONDENTS:

---

1. THE SALES TAX OFFICER - III,
1ST CIRLCE, DEPARTMENT OF COMMERICAL TAXES,
ERNAKULAM.

2. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, ERNAKULAM.

3. THE INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES, ERNAKULAM.

BY GOVERNMENT PLEADER (TAX) SRI. MATHEW VADAKKETHIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J

W.P.(C)NO. 13589 of 2007

Dated this the 20th day of April, 2007

JUDGMENT

The petitioner challenges Ext.P5 order of stay passed by the second respondent in an appeal filed by him against the assessment order passed by the first respondent. The total amount demanded is Rs.67,40,843/=, out of which the second respondent has, as a condition for stay, directed the petitioner to pay an amount of only Rs.5 lakhs. By any stretch of imagination, this is a very reasonable order. I very much doubt whether the petitioner would have got such a stay order from even this Court. Therefore, I am not inclined to interfere with Ext.P5 order. However, the learned counsel for the petitioner makes a fervent plea that because of the very stringent financial circumstances of the petitioner, the petitioner may be permitted to pay the said amount in instalments. I direct the first respondent to permit the petitioner to pay the said amount covered by Ext.P5 in two equal monthly instalments on 1.5.2007 and 1.6.2007 respectively.

The writ petition is disposed of as above.

S.SIRI JAGAN, JUDGE

css